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Chromalloy Gas Turbine LLC,

Chromalloy, Inc.

Sequa Corporation.

Brian Costa, and The Carlyle Group

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

TIMOTHY KREBS,

Plaintiff,

v.

CHROMALLOY GAS TURBINE, LLC,
CHROMALLOY, INC., SEQUA
CORPORATION, BRIAN COSTA, and
THE CARLYLE GROUP,

Defendants.

Civil Action No.:

**NOTICE OF REMOVAL OF CIVIL ACTION
TO THE UNITED STATES DISTRICT
COURT FOR THE SOUTHERN DISTRICT
OF NEW YORK**

NOTICE OF REMOVAL

Defendants Chromalloy Gas Turbine, LLC, Chromalloy Inc., Sequa Corporation, Brian Costa, and The Carlyle Group (collectively “Defendants”) by and through their counsel and pursuant to 28 U.S.C. §§ 1331, 1441(a) and 1446, file this Notice of Removal from the Supreme Court of the State of New York, Rockland County, in which the above-captioned action was commenced and is now pending under Index No. 031871/2021, to the United States District Court

for the Southern District of New York. In support of this Notice of Removal, Defendants state as follows:

NATURE OF ACTION

1. This matter arises out of various allegations of age and disability discrimination by Plaintiff against the Defendants. Plaintiff claims that his employment was terminated as a result of these alleged discriminatory acts.

2. On or about April 12, 2021, Plaintiff filed a Complaint against Defendants in the Supreme Court of the State of New York, Rockland County. Pursuant to 28 U.S.C. § 1446(a), a copy of this pleading is attached hereto as **Exhibit A**.

3. Plaintiff's Complaint includes allegations claiming violations of the Age Discrimination in Employment Act ("ADEA"), 29 U.S.C. § 621 et seq., and the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12101 et seq., along with some state and common law claims . See id.

TIMELINESS OF REMOVAL

4. Defendants were served with a copy of Plaintiff's Complaint on April 29, 2021. See Exhibit B.

5. Defendants have not filed a responsive pleading to the Complaint.
6. Pursuant to 28 U.S.C. § 1446(b), this notice of removal is timely.

FEDERAL QUESTION

7. This Notice of Removal is filed pursuant to 28 U.S.C. § 1331, on the grounds that there are multiple federal questions within Plaintiff's Complaint, specifically, Plaintiff's claims that Defendants violated the ADEA and the ADA, which are federal laws. See Exhibit A.

8. This Notice of Removal is therefore, proper, because of the federal questions inherent in Plaintiff's allegations.

JURISDICTION AND PLEA FOR REMOVAL

9. As set forth above, this Court has subject matter jurisdiction of this action pursuant to 28 U.S.C. § 1331 and 1441 in that it is a civil action involving a federal question.

10. Venue is proper pursuant to 28 U.S.C. § 1441(a) as this is the federal district court for the district embracing the place where the state court suit is pending.

11. As is required by 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served upon Plaintiff, by and through their attorney of record, and is being filed with the Clerk of the Supreme Court of New York, Rockland County.

WHEREFORE, Defendants file this Notice of Removal so that the entire state court action under Index No. 031871/2021 that is now pending in the Supreme Court of New York, Rockland County, shall be removed to this Court for all further proceedings.

Respectfully submitted,

PASHMAN STEIN WALDER HAYDEN P.C.
Attorneys for Defendants
Chromalloy Gas Turbine, LLC, Chromalloy Inc., Sequa
Corporation, Brian Costa, and The Carlyle Group

Dated: May 21, 2021

By: /s/ Samuel J. Samaro

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